

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

DAVID MARK DAVIS II,	FILED	
		U.S. DISTRICT COURT
		EASTERN DISTRICT OF TEXAS
v.	JUL 03 2018	Case No. 9:17-CV-00179-RC-ZJH
ANGELINA COLLEGE BOARD OF TRUSTEES, MICHAEL SIMON AND STEVE HUDMAN		

PLAINTIFF'S VOLUNTARY NOTICE OF DISMISSAL OF ALL CLAIMS

Plaintiff David Mark Davis II hereby files this Voluntary Notice of Dismissal of All Claims raised in the Complaint (Dkt. No. 30).

I.

Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure provides for a voluntary dismissal of an action by a plaintiff without a court order, subject to certain enumerated exceptions: “the plaintiff may dismiss an action without a court order by filing: a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment”. Normally, under Rule 41(a)(1)(A), a voluntary notice of dismissal under (i) or stipulated dismissal under (ii) is “self-executing, i.e., it is effective at the moment the notice is filed with the clerk and no judicial approval is required.” Janssen v. Harris, 321 F.3d 998, 1000 (10th Cir. 2003) (quoting Marex Titanic, Inc. v. The Wrecked & Abandoned Vessel, 2 F.3d 544, 546 (4th Cir. 1993)

II.

Defendants have neither served an answer or moved for summary judgment in this case. At the time of filing, plaintiff has five pending claims against the defendants. Plaintiff hereby notifies this Court that he is dismissing this case in its entirety. Plaintiff files this notice as a

result of dismissal of having severe health issues that are interfering with his daily activity. No counterclaim has been filed.

III.

For these reasons, plaintiff asks the Court to accept this notice of dismissal and enter a final judgment accordingly.

Respectfully Submitted,



David Mark Davis II, MBA, JD¹
Plaintiff, *Pro Se*
PO Box 223
Livingston, Texas 77351
(936) 238-8507
dmarkdavis2@gmail.com

¹While plaintiff has successfully graduated law school, he is not currently licensed to practice law in any jurisdiction.

CERTIFICATE OF SERVICE

I certify that on the day of filing, a true and correct copy of the foregoing pleading will be served on all parties and/or counsel of record by electronic mail by agreement to the following:

Christopher B. Gilbert
Attorney-in-Charge
Phoenix Tower, Suite 2000
3200 Southwest Freeway
Houston, Texas 77027
(713) 554-6744 – Telephone
(713) 583-7698 – Facsimile
cgilbert@thompsonhorton.com

Served by consent via email to:
cgilbert@thompsonhorton.com

Rebecca S. Bailey
Co-Counsel
Phoenix Tower, Suite 2000
3200 Southwest Freeway
Houston, Texas 77027
(713)554-6762 – Telephone
(713)583-9364 – Facsimile
rbailey@thompsonhorton.com

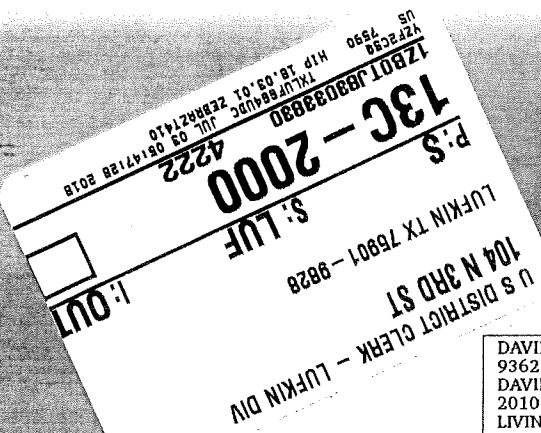
Served by consent via email to:
rbailey@thompsonhorton.com

Wayne D. Haglund
Angelina College General Counsel and
Co-Counsel
P.O. Box 713
Lufkin, TX 75902-0713
(936)639-0007 – Telephone
(936)639-0016 -- Facsimile
whaglund@haglundlaw.com

Served by consent via email to:
whaglund@haglundlaw.com



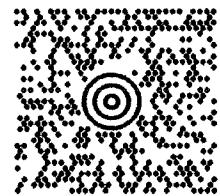
DAVID MARK DAVIS II



DAVID M DAVIS
9362388507
DAVID MARK DAVIS II
2010 US HWY 190 W
LIVINGSTON TX 77351

1 LBS 1 OF
DWT: 13,9,1

SHIP TO:
U.S. DISTRICT CLERK - LUFKIN DIV.
(936) 632-2739
104 NORTH 3RD STREET
LUFKIN TX 75901

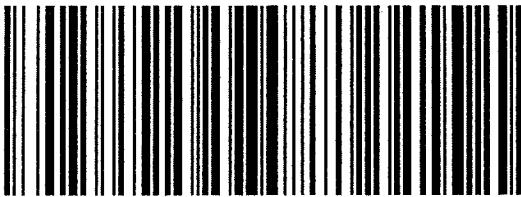


TX 759 0-01



UPS GROUND

TRACKING #: 1Z BOT J83 03 3830 4222



BILLING: P/P

XOL 18.03.09 NV45 99.0A 04/2018

